

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AVANOS MEDICAL SALES, LLC)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 2:19-cv-02754-JPM-tmp
MEDTRONIC SOFAMOR DANEK)	
USA, INC., MEDTRONIC, INC., and)	JURY TRIAL DEMANDED
MEDTRONIC USA, INC.)	

Defendants.

**PLAINTIFF’S NOTICE OF RELEVANT DETERMINATIONS
FROM RELATED PROCEEDINGS**

Plaintiff Avanos Medical Sales, LLC (“Avanos”) respectfully notifies the Court that on August 27, 2021, the Patent Trial and Appeal Board entered a Final Written Decision Determining No Challenged Claims Unpatentable in *Medtronic, Inc. v. Avanos Medical Sales, LLC*, IPR2020-00895. The Board found that Medtronic, Petitioner in that proceeding, “has not demonstrated by a preponderance of the evidence that claims 1–8, 13, and 17–22 of the ’755 patent are unpatentable.” Ex. A at 44, 45.

Under 35 U.S.C. § 315(e)(2), “[t]he petitioner in an inter partes review of a claim in a patent under this chapter that results in a final written decision under section 318(a) . . . may not assert [] in a civil action . . . that the claim is invalid on any ground that the petitioner raised or reasonably could have raised during that inter partes review.” Accordingly, Avanos will file an appropriate motion to enforce statutory estoppel under this Court’s schedule.

Dated August 27, 2021

Respectfully submitted,

s/ Isaac S. Lew

Albert C. Harvey (TN Bar No. 7955)
Christopher L. Vescovo (TN Bar No. 14516)
Nicholas L. Vescovo (TN Bar No. 30387)
Isaac S. Lew (TN Bar No. 036702)
LEWIS, THOMASON, KING,
KRIEG & WALDROP, P.C.
One Commerce Square
40 South Main St., Suite 2900
Memphis, Tennessee 38103
Telephone: 901.525.8721
Facsimile: 901.525.6722
aharvey@lewisthomason.com
cvescovo@lewisthomason.com
nvescovo@lewisthomason.com
ilew@lewisthomason.com

Paul Bondor (*admitted pro hac vice*)
John Desmarais (*admitted pro hac vice*)
Todd Krause (*admitted pro hac vice*)
Bindu Donovan (*admitted pro hac vice*)
Amanda Potter (*admitted pro hac vice*)
Raymond Habbaz (*admitted pro hac vice*)
Frederick Ding (*admitted pro hac vice*)
John Dao (*admitted pro hac vice*)
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Telephone: 212-351-3400
Facsimile: 212-351-3401
PBondor@desmaraisllp.com
JDesmarais@desmaraisllp.com
TKrause@desmaraisllp.com
BDonovan@desmaraisllp.com
APotter@desmaraisllp.com
RHabbaz@desmaraisllp.com
FDing@desmaraisllp.com
JDao@desmaraisllp.com

Attorneys for Plaintiff
Avanos Medical Sales, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 27, 2021, a true and correct copy of the foregoing document was forwarded by e-mail to:

Mary (Mindy) V. Sooter (*pro hac vice*)
Rachael Million-Perez, (BPR # 41605)
Phillip R. Takhar (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
1225 17th Street, Suite 2600
Denver, CO 80202
Phone: (720) 274.3135
Mindy.Sooter@wilmerhale.com
Rachael.Million-Perez@wilmerhale.com
Phillip.Takhar@wilmerhale.com

Laura Macro (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Phone: (212) 230.8800
Laura.Macro@wilmerhale.com

Gregory H. Lantier (*pro hac vice*)
Alexis Cohen (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Phone: (202) 663-6000
Greg.Lantier@wilmerhale.com
Alexis.Cohen@wilmerhale.com

Nicole Fontaine Dooley (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Phone: (617) 526-6057
Nicole.FontaineDooley@wilmerhale.com

Douglas F. Halijan (BPR # 16718)
Sarah E. Stuart (BPR # 35329)
130 North Court Avenue
Memphis, TN 38103
Telephone: (901) 524-5000
Facsimile: (901) 524-5024
dhalijan@bpjlaw.com
sstuart@bpjlaw.com

*Attorneys for Defendants Medtronic Sofamor
Danek USA and, Medtronic, Inc.*

By: Isaac S. Lew
Isaac Lew (TN Bar No. 036702)